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09/504,803

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P. Howard Edelstein

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EXAMINER

FELTEN, DANIEL S

ART UNIT

PAPER NUMBER

3696

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

|                              |                                      |   |  |
|------------------------------|--------------------------------------|---|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>09/504,803 | <b>Applicant(s)</b><br>EDELSTEIN ET AL. |  |
|                              | <b>Examiner</b><br>DANIEL S. FELTEN  | <b>Art Unit</b><br>3694                 |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 November 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-30 and 32-56 is/are rejected.
- 7) ☒ Claim(s) 9 & 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

Art Unit: 3694

**/Daniel S Felten/**

**Primary Examiner, Art Unit 3694 DETAILED ACTION**

1. Receipt of the applicant's response filed November 11, 2007 is acknowledged. Claims 1-56 remain pending in the application and are presented to be examined upon their merits.

***Response to Arguments***

2. Applicant's arguments, filed November 11, 2007, with respect to the Double Patenting Rejection have been fully considered and are persuasive. The Double Patenting rejection has been withdrawn. However, upon further consideration of the arguments presented by the applicant against Nelson (US 4,823, 265) in view of Hammons (US 6,479,509) the examiner disagrees and re-asserts the 35 U.S.C 103(a) rejection for claims 1-8, 10-30 & 32-56 below.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-8, 10-30 & 32-56 are rejected under 35 U.S.C. 103(a) as being unpatentable Nelson (US 4,823,265) in view of Hammons (US 6,479,509)

Re claims 1, 3-6, 11, 23, 34, 38,, 39 41 and 42:

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Nelson discloses a system for facilitating the processing and management of a securities trade comprising:

A computer (see Nelson, figs. 1& 2, col. 3, 11.4-19 );  
trade execution information *supplied by a first trading party and* received by the  
computer (see Nelson, col. 1, 11.60-66), said trade execution information indicative of an  
executed trade by *the* first trading party (*buyer*) and comprising party supplied data elements  
*concerning the conditions of the* ordered trade itself(see Nelson, col. 1, 11.60-66; col. 4, 11.21+);  
trade allocation information received by the computer, the trade allocation information  
indicative of an ordered trade by a second trading party (*seller*) and comprising trade data  
concerning one or more details of the ordered trade itself(see Nelson, col. 3, 11. 7+);  
a set of predefined acceptable trade parameters/profiles (see Nelson, figs. 4a-d, col. 3, 11.  
5+; col. 4, 11.21+ ); and  
software for determining that a match exists if the trade data contained in execution  
information and the *party supplied data elements* correlate within the set of predefined  
acceptable trade parameters (see Nelson, col. 1, 11.48-55; and col. 9, 11. 29-41; and col. 15, 11.  
41+).

Nelson fails to disclose software executing on the computer for comparing the party  
*supplied data elements* contained in said execution information with the trade data contained in  
the trade allocation information.

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Hammons discloses software executing on the computer for comparing the party *supplied data elements* contained in said execution information with the trade data contained in the trade allocation information (see Hammons col. 4, ll. 15+). Since Nelson does use certain information to match buyers and sellers (see Nelson col. 3, ll. 7-10; col. 9, ll. 29-41), it would have been obvious for an artisan of ordinary skill at the time of the invention to compare the party supplied data elements contained in said execution information because an artisan at the time of the invention would have desired to use the latest technology to accommodate buyers and sellers with various forms of information that would be useful to make secure trades. Thus such a modification would have been an obvious expedient well within the ordinary skill in the art.

Re claim 2:

Wherein the set of predefined acceptable trade parameters is dependent of the identities of the first trading party and the second trading parties (see Nelson, col. 1, ll. 60-66; col. 4, ll. 21+).

Re claims 7, 29:

wherein if a match is not found to exist, software executing on the computer generates and transmits an exception notification to the first trading party and the second trading party informing them that an exception has been detected, and further comprising software executing on the computer for receiving an instruction for exception processing from at least one of the first trading party and second trading party, and for processing the exception according to the instruction for exception processing (see Nelson, col. 1, ll. 60-66; col. 4, ll. 21+).

Re claims 8, 30:

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the instruction for exception processing comprises instruction to reject the match, and wherein the system terminates processing of the trade (see explanation for claims 1, 3-6, 23, 34, 38, 41 and 42 above).

Re claims 10, 32:

the instruction for exception processing comprises an instruction to modify at least one of the trade execution information and the trade allocation information and wherein the system continues processing the trade (see Nelson, col. 1, 11. 60-66; col. 4, 11.21+).

Re claims 12, 33:

the minimum pairing data comprises an indicator of whether shares are being bought or sold, an indicator of a trade date, a security identification, and an indicator of the number of shares traded (see Nelson, col. 1, 11.60-66; col. 4, 11.21+).

Re claims 13, 40:

an affirmation generated by the computer if a match is determined to exist, the affirmation being transmitted to the first trading party and the second trading party confirming that a match has been detected by matching software and containing all data necessary for settling the trade (see Nelson, col. 1, 11. 60-66; col. 4, 11. 21+).

Re claims 14-18, 24, 35, 43-45:

having a plurality of enrichment databases having enrichment data stored thereon (see Nelson, col. 1, 11. 60-66; col. 4, 11.21+).

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Re claims 19, 25:

allowing the first trading party and second trading party to access the trade status database in order to view the real-time status of the trade (see Nelson, col. 1, ll. 60-66; col. 4, ll. 21+).

Re claims 20, 36 and 37:

wherein first trading party is a broker and wherein the trade execution information is extracted from an order execution notice received by the computer (see Nelson, col. 1, ll. 60-66; col. 4, ll. 21+).

Re claims 21, 22, 46-48:

...Extracting the trade execution information from an order execution notice;...extracting trade allocation information from an allocation;...translating the trade execution information and trade allocation into a usable format (see Nelson, col. 1, ll. 60-66; col. 4, ll. 21+).

Re claims 49-56:

...transmitting exception notification (see Nelson, col. 1, ll. 60-66; col. 4, ll. 21+).

### ***Allowable Subject Matter***

5. Claims 9 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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6. The following is a statement of reasons for the indication of allowable subject matter:  
Nelson and Hammon individually or in combination do not disclose an instruction to force a match wherein the system continues processing the trade.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL S. FELTEN whose telephone number is (571)272-6742. The examiner can normally be reached on Flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on (571) 272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel S Felten/  
Primary Examiner, Art Unit 3694

Daniel S Felten  
Primary Examiner



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/D. S. F./